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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/672,399

Filing Date

September 25, 2003

First Named Inventor

Linda Pilarski

Art Unit

1642

Examiner Name

Lie Yao, Ph.D.

Attorney Docket Number

A894635US

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement

Certified Copy of Priority
Document(s)Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

Remarks

Acknowledgement Card

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Gowling Lafleur Henderson LLP

Signature

Printed name

D. Doak Horne

Date

April 6, 2005

Reg. No.

33,105

CERTIFICATE OF TRANSMISSION/MAILING

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In The Matter of United States Patent Application:

Serial No. : 10/672,399
Filed : September 25, 2003
Group Art Unit : 1642
Examiner : Lei Yao, Ph.D.
Title : CANCER MONITORING AND THERAPEUTICS
Our File : A894635US
Date : April 6, 2005

The Honorable Commissioner of Patents and Trademarks
Washington, D.C.
United States of America 20231

Response to Election/Restrictions Official Action

Dear Sirs:

In response to the Election/Restrictions Official Action mailed March 9, 2005, the applicant respectfully submits that the Examiner has incorrectly stated that "in the instant case the DNA of Group II can be used to express protein as opposed to being used to hybridize two a gene transcript". Applicant submits that DNA is not capable of being used to "express protein" rather DNA may be used to generate a RNA template from which ribosomes may assembly polypeptides/proteins. It is respectfully submitted that the generation of RNA from a DNA template is not a materially different process from that described for the DNA of Group II; in that the processes involved in replication and ensuring fidelity of replication involve hybridization of individual ribonucleotides to the DNA template prior to ligation to the nascent RNA strand with fidelity processes assessing the quality and character of hybridized polyribonucleotides.

Therefore, the Applicant respectfully submits that Group I and Group II are related as product and process of use as neither can be shown:

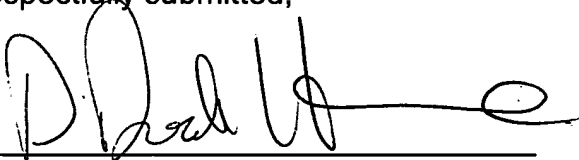
1. The process for using the product as claimed can be practiced with another materially different product; or

2. The product as claimed can be used in a materially different process of using that product.

The Applicant respectfully submits that it has traversed the Examiner's objection relating to the two distinct inventions present in Group I and Group II and elects for restriction to Group I/II claims with species election of HAS1Va and SEQ ID NO: 3.

In the alternative the Applicant elects restriction of the invention to be examined to Group I with species election of HAS1Va.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Doak Horne', is written over a horizontal line.

D. Doak Horne
Registration No. 33,105
Gowling Lafleur Henderson LLP
700 - 2nd Street, S.W., Suite 1400, Scotia Centre
Calgary, Alberta
Canada T2P 4V5
(403) 298-1000